

**REMARKS**

Applicant wishes to thank the Examiner for the telephonic discussion on November 13, 2007. During the discussion, the Examiner clarified that claims 8, 12, 14-16, 21, 23-25, and 46-47 are allowable, and that claims 1-7, 13, 17-22, 26-28, 39, 42-45, and 48-49 are rejected under 35 U.S.C. § 102(e).

Amendments to claims 8, 12, 14, and 46 are to rewrite these claims in independent form, and for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 21 and 23 are to rewrite this claim in independent form. Amendments to claims 2, 5, 10, 19, 20, 30, 31, 39, 43, and 45 are to change claim dependency. Amendments to claims 29, 41, 48 and 49 are for the purpose of clarifying what Applicant regards as the invention. No new matter has been added.

**I. Allowable Subject Matter**

Applicant wishes to thank the Examiner for indicating that claims 8, 12, 14-16, 21, 23-25, and 46-47 are allowable if rewritten in independent form. Claims 8, 12, 14, 21, 23, and 46 have been rewritten in independent form. As such, claims 8, 12, 14, 21, 23, and 46, and their respective dependent claims 15, 16, 24, 25, and 47, are believed allowable.

**II. Claim Rejections under 35 U.S.C. § 101**

Claims 1-49 stand rejected under 35 U.S.C. § 101 because they allegedly does not recite useful, concrete, and tangible result. Claims 1, 9, 11, 13, 17, 18, 22, 26-28, 42, and 44 have been canceled. Claims 8, 12 and 14 have been amended to recite storing the new stream in a computer readable medium, which is a useful, concrete, and tangible result. Claim 49 has been amended to recite storing the first model, and claims 29, 41, and 46 have been amended to recite storing the first model in a computer readable medium, which is a useful, concrete, and tangible result. Claims 21, 23, 40, and 48 recite means-plus-function limitations, which according to 35 U.S.C. § 112, must be construed based on the structure disclosed in the specification that performs the recited functions. Applicant respectfully notes that examples of useful, concrete, and tangible structures that may be used to perform the recited functions are disclosed at least in

figures 1 and 8, and their corresponding description, including paragraphs 47-55, of the specification. As such, claims 8, 12, 14, 21, 23, 29, 40, 41, 46, 48, and 49, and their respective dependent claims are believed to satisfy § 101.

Claims 17-25, 48, and 39 stand rejected under 35 U.S.C. § 101 because they allegedly are directed to data or information. Applicant believes the Examiner meant “Claims 17-25 and 48.”

Claims 17, 18, and 22 have been canceled. Claims 19-21, 23-25, and 48 recite limitations that are means-plus-function limitations. According to 35 U.S.C. § 112, such limitations must be construed based on the structure disclosed in the specification that performs the recited functions. Applicant respectfully notes that examples of structures that may be used to perform the recited functions are disclosed at least in figures 1 and 8, and their corresponding description, including paragraphs 47-55, of the specification. Since the subject specification discloses tangible structure that perform the recited functions, Applicant respectfully submits that claims 19-21, 23-25, and 48 satisfy § 101.

Claims 26-28 and 49 stand rejected under 35 U.S.C. § 101. Claims 26-28 have been canceled. Claim 49 has been amended to recite “computer readable medium” in accordance with the Examiner’s recommendation. Thus, claim 49 is believed to satisfy § 101.

## **II. Claim Rejections under 35 U.S.C. § 102**

Claims 1-7, 13, 17-22, 26-28, 39, 42-45, and 48-49 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,748,520 (“Maynard”). Claims 1, 9, 11, 13, 17, 18, 22, 26-28, 42, and 44 have been canceled without prejudice to pursue them in related application(s).

Claims 2-7, 10, and 19-20 now depend from allowable claims. Claims 43 and 45 now depend from allowable claim 46. Claims 48 and 49 have been amended to similarly recite subject matter from allowable claim 46. Also, claims 30-39 depend from claim 29, which is believed allowable, as discussed. As such, all remaining claims are believed allowable.


**CONCLUSION**

If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7035032001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number **7035032001**.

Respectfully submitted,

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